



## **TOWN OF NORWOOD PERSONEL BOARD**

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### **#P-201 - EQUAL EMPLOYMENT OPPORTUNITY POLICY**

#### **1. Purpose and Scope**

- 1.1 The Town of Norwood is guided by the principle of equal opportunity in all of its employment activities. The Town aims to create a positive and equitable work environment where productive, effective and efficient public service can take place. This includes providing employees and customers with an environment that is safe, flexible, fair, culturally appropriate, friendly and professional. Equity principles are a core element of the planning, recruitment, interview, selection and appointment of new employees of the Town of Norwood.
- 1.2 It is the policy of the Town to prohibit discrimination and harassment of any type, and to afford equal employment opportunities to employees and applicants, without regard to age, race, color, sex, gender, religious creed, sexual orientation, military status (active or prior), veteran status, national origin, ancestry, ethnicity, genetic information, pregnancy, marital status, handicap and/or disability, criminal record information (where required by law), gender identity and expression, and any other reason protected by federal, state or local law. The Town will conform to the spirit as well as the letter of all applicable anti-discrimination laws and regulations.
- 1.3 The purpose of this policy is to outline the terms under which the Town commits to these principles and implements compliance with state and federal laws governing discrimination and equal opportunity. Please see also the Town's Policy Against Harassment and the Town's Americans with Disabilities Policy at <http://www.norwoodma.gov>, click Committee/Boards, click Personnel Board, and click Town Personnel Policies.

#### **2. Applicability**

- 2.1 This policy applies to all employees or applicants of paid and appointed positions in Town government (herein after referred to as the "Town"), excluding those under the supervision and control of the School Committee. Positions covered by Civil Service Law or a collective bargaining agreement are subject to those portions of the policy which are not specifically regulated by Civil Service law or by a collective bargaining agreement.
- 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

### 3. Definitions

- 3.1 Protected Status: In this policy age, race, color, sex, gender, religious creed, sexual orientation, military status (active or prior), veteran status, national origin, ancestry, ethnicity, genetic information, pregnancy, marital status, handicap and/or disability, criminal record information (where required by law), gender identity and expression, or any other legally protected status are referred to as a person's "***Protected Status***".
- 3.2 Terms and Conditions of Employment: Terms and conditions of employment at the town refer to all aspects of the employment relationship and application process. It includes hiring and recruitment, employment at the Town, terms of employment, promotion, transfer, training, working conditions, wages and salary, employee benefits and application and policies.
- 3.3 Discriminatory Harassment - Harassment based upon a person's Protected Status. See also the Town's *Policy Against Harassment* [#P-202].
- 3.4 Reasonable Accommodations – Disability or Handicap
- 3.4.a The Town will provide reasonable accommodation to individuals with a disability and/or handicap, in accordance with the law. A reasonable accommodation is, in general, a change to the work environment or the way things are done that enables qualified individuals with disabilities to enjoy equal employment opportunities both in employment and in applying for a position, which does not result in an undue hardship as that term is defined by relevant law.
- 3.4.b Please see the Town's *Americans with Disabilities Policy* [#P-303], which also further discusses and defines the term Reasonable Accommodation, in the context of the discrimination laws.
- 3.5 Reasonable Accommodation – Religion  
In accordance with Federal and State anti-discrimination laws, the Town will provide reasonable accommodation to individuals for the religious needs of employees or prospective employees provided that such accommodation will not pose an undue hardship in the conduct of the Town's business.
- 3.6 Undue Hardship
- 3.6.a Undue hardship is defined consistent with the laws to determine if a reasonable accommodation would cause undue hardship, there should be an individualized assessment of the current circumstances to show significant difficulty or expense, rising to the level of undue hardship. Any number of factors may be considered. In general, undue hardship can mean that an accommodation would be unduly costly, extensive, substantial or disruptive, or that it would fundamentally change the nature or operation of the business.
- 3.6.b Factors that will be considered will include such things as the cost of the accommodation, our size, our financial resources and the nature and structure of our operation. In each instance, there should be an individualized assessment of the request.

#### 4. Eligibility

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#### 5. Policy

##### 5.1 Non-Discrimination in Employment

It is the policy of the Town to provide equal employment opportunity as required by federal and state law for all individuals. The Town is committed to providing equal employment opportunities to all employees and job applicants, regardless of the individual's:

- Age
- Race
- Color
- Sex/Gender
- Religious Creed
- Sexual Orientation
- Military Status (active or prior)
- National Origin
- Ancestry
- Ethnicity
- Genetic Information
- Pregnancy
- Marital Status
- Handicap or Disability
- Criminal Record Information, as required by law
- Gender Identity and Expression
- Any other reason protected by federal, state, or local law

The above are referred to in this policy as an individual's "Protected Status".

- 5.1.a Unlawful discrimination of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment will not be tolerated by the Town. Further, any retaliation against an individual who has formally or informally complained about discrimination or has cooperated with an investigation of discrimination complaint is prohibited.
- 5.1.b To achieve the Town's goal of providing a workplace free from discrimination, the conduct that is described in this policy is included in that which will not be tolerated, and the Town will take action to address any actual or potential inappropriate conduct, or conduct in violation of this policy regardless of whether or not it is listed below.
- 5.1.c This policy applies to all employment practices and employment programs sponsored by the town. This policy shall apply, but not be limited to, the areas of:
- Hiring and firing
  - Compensation, assignment, or classification of employees
  - Transfer, promotion, layoff, or recall
  - Job advertisements

- Recruitment
- Testing
- Use of Town facilities
- Training and apprenticeship programs
- Fringe benefits
- Pay, recruitment plans, and disability leave
- Other terms and conditions of employment

5.1.d Discriminatory practices prohibited by this policy can include, *but are not limited to*, the following:

- Harassment of a person based upon his or her Protected Status
- Different treatment in the Terms or Conditions of employment of a person based upon his or her Protected Status
- Different opportunities or requirements of a person based upon his or her Protected Status;
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices
- Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of members of a protected class
- Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability
- Discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group
- Any other conduct or actions deemed to be discriminatory based upon a person's Protected Status

5.1.e The Town also provides reasonable accommodations to a person based upon handicap, disability, or religion, in accordance with Federal and State anti-discrimination laws.

5.1.f Any employee or job applicant, who feels he or she may need a reasonable accommodation in order to perform the essential function of his or her position, or to accommodate religious beliefs, should bring their request to the Human Resources Director. If the employee feels unable or unwilling to make such request directly to Human Resources Director, he or she may make the request through the Department Head, who will bring the request to Human Resources.

## 5.2 Reasonable Accommodations – Disability or Handicap

5.2.a Please see the Town's *American with Disability's Policy* [#P-303]. Also, as noted above, in general, a reasonable accommodation is a change to the work environment or the ways things are done that enables qualified individuals with disabilities to enjoy equal employment opportunities both in employment and in applying for a position, which does not result in an undue hardship as that term is defined by relevant law.

5.2.b Reasonable Accommodation is defined in this policy to be that required by the laws. A reasonable accommodation may, for instance, include:

- 5.2.b.i Modifications or adjustments to the job application process that will enable a qualified applicant with a disability to be considered for a desired position, unless to do so would cause an undue hardship; or,
- 5.2.b.ii Modifications or adjustments to our work environment, or to the manner or circumstances under which a position held is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position, unless to do so would cause an undue hardship; or,
- 5.2.b.iii Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, unless to do so would cause an undue hardship.

### 5.3 Reasonable Accommodation – Religion

5.3.a In accordance with Federal and State anti-discrimination laws, the Town shall make reasonable accommodation to the religious needs of employees or prospective employees provided that such accommodation will not pose an undue hardship in the conduct of the Town's business.

5.3.b Reasonable Accommodation is defined in this policy to be that required by the laws. Such an accommodation will be reasonable, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion subject to the limit of no more than a de minimis cost or burden. This usually will entail making a special exception from or adjustment to, a particular requirement so that an employee or applicant will be able to practice his or her religion.

5.3.c Please see also our definitions in Section 3 above.

5.4 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.

5.5 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

## 6. Provisions

### 6.1 **Discrimination Complaints and Investigation**

6.1.a Complaints may be reported verbally or in writing.

6.1.b If any employee or applicant believes that he or she has been subjected to discrimination or discriminatory harassment, the individual has the right to bring a complaint. The employee or applicant should report a discrimination complaint, to their Department Head, the Human Resources Director, or his/her-designee.

- 6.1.c Any person, who learns of a violation of this policy against another person, is asked to immediately report the misconduct to a Department Head, the Human Resources Director, or his/her designee.
- 6.1.c.i If a Department Head receives such a complaint, he/she shall report the received complaint to the Human Resources Director or his/her designee, as soon as possible.
- 6.1.c.ii Upon receipt of a complaint, the Human Resources Director or his/her designee shall initiate an investigation.
- 6.1.d The Human Resources Director or his/her designee is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact their Department Head.
- 6.1.d.i If the complaint is against the Human Resources Director then the complaint should be filed with the Town Manager.
- 6.1.d.ii If the complaint is against the Town Manager, then the complaint should be filed with the Chairperson of the Board of Selectmen. The Board of Selectmen Chairperson shall work with the Personnel Board Chairperson and Town Counsel to investigate and resolve.

## 6.2 Investigation of Complaint

When the Town receives a complaint, the responsible individual shall promptly investigate the allegation in a fair and expeditious manner. The investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will generally include a private interview with the person filing the complaint and with witnesses. The Town will also likely interview the person alleged to have committed sexual harassment. When the Town has completed its investigation, the responsible individual will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

## 6.3 Remedial Action by the Town

If it is determined that inappropriate action occurred, the Town shall take action promptly to eliminate the offending conduct, regardless of whether or not it rises to the level of unlawful discrimination. The action to be taken may include recommendations regarding disciplinary and/or other remedial action up to and including termination, which shall be forwarded to the appropriate Appointing Authority.

## 7. **Applicable Laws / Statutes**

### 7.1 Applicable Statutes

- Title VII of the Civil Rights Acts of 1964
- American with Disabilities Act of 1990 and any subsequent amendments
- Age Discrimination In Employment Act of 1967
- Equal Pay Act of 1963
- Fair Employment Practices Law, M.G.L. c. 151B
- 804 CMR 03.00 MCAD Employment

7.2 Questions Regarding this Policy and Other Anti-Harassment Policies

Please contact Human Resources regarding questions about this policy. Please also consult the Personnel Definitions Document [#D-100] regarding other commonly used words and/or phrases not defined in this policy.

7.2 External Agencies

Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a time period of 300 days for filing a claim.

7.3.a United States Equal Employment Opportunity Commission (EEOC): One Congress Street, 10<sup>th</sup> Floor, Boston, MA 02114, (617) 565-3200.

7.3.b The Massachusetts Commission Against Discrimination (MCAD):

- Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
617- 994-6000
- Worcester Office:  
Worcester City Hall,  
455 Main Street, Room 100  
Worcester, MA 01608  
(508-799-8010)
- Springfield Office: 424 Dwight Street, Room 202  
Springfield, MA 01103  
413- 739-2145

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The following document associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The HR Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

- #D- – Equal Employment Opportunity Policy Acknowledgement Form

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**PERSONNEL BOARD**

For the Personnel Board: David E. Hajjar

01 / 21 / 15

David E. Hajjar, Chairman  
Anne Haley, Vice-chair  
Willard Krasnow  
Patterson Riley  
John E. Taylor